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Before the
Federal Communications Commission
Washington, D.C.

JUN 27 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of Establishment of Rules)
and Policies for the Digital Audio Radio) IB Docket No. 95-91/
Satellite Service in the 2310-2360 MHz) GEN Docket No. 90-357
Frequency Band) RM No. 8610
)

To: The Commission

REPLY COMMENTS OF THE RADIO OPERATORS CAUCUS

The Radio Operators Caucus ("ROC") hereby submits its Reply Comments pursuant to the *Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking* ("Further Notice") in the above-captioned proceeding, FCC 97-70, which, *inter alia*, looks toward the adoption of rules governing terrestrial repeaters proposed to be used in conjunction with the Satellite Digital Audio Radio Service ("SDARS").^{1/} As shown more fully below, ROC supports the comments of the National Association of Broadcasters filed June 13, 1997.

ROC opposes any use of terrestrial repeaters as inconsistent with the basic premise of SDARS: It is intended to be a direct satellite-to-listener service, not a satellite-fed terrestrial

^{1/} ROC is an informal group of more than 40 radio station owners with over 300 stations in more than 90 markets throughout the United States.

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service, and it should stand or fall on that basis. Further, the Commission grounded its decision to authorize SDARS on the finding that it represents "an innovative new technology and service,"^{2/} and the use of terrestrial repeaters, which would employ long-available technology, is hardly compatible with that description. Finally, to ROC's knowledge no other satellite service utilizes similar facilities, and the creation of a "hybrid" system would set a troublesome precedent.

In any case, the Commission does not have sufficient data on which to base any rules for the licensing and operation of terrestrial repeaters. While the successful bidders in the SDARS auction have had ample notice of the need to provide detailed information concerning their intended use of repeaters, they have not done so. Lacking a factual record, the Commission has no rational basis on which to proceed.

Notwithstanding the dearth of information on the SDARS operators' intended use of repeaters, it is clear that any rules authorizing terrestrial repeaters would have to provide for individual licensing. As noted above, the use of repeaters is inconsistent with the SDARS concept of a direct satellite service. It follows that if repeaters are nonetheless to be permitted, their numbers and use must be carefully limited and

^{2/} Further Notice at Paragraph 35.

policed lest "the tail wag the dog," and this can be accomplished only through individual licensing. While the Commission recognizes the need "to ensure any use of terrestrial repeaters is complementary to DARS service and only for retransmission of signals received from the satellite,"^{2/} neither the blanket licensing concept envisioned by the Commission nor its proposed rule on authorization of terrestrial repeaters^{4/} accomplishes these crucial objectives. If repeaters are to be permitted, they must be individually licensed.

Should the Commission ultimately authorize the use of terrestrial repeaters, ROC strongly supports the concept of a "waiting period" after initiation of service before repeaters can be employed so that they are not utilized casually as a "quick fix." SDARS operators should be required to optimize direct satellite reception prior to use of facilities which, as already shown, are incompatible with the premise of the SDARS service.

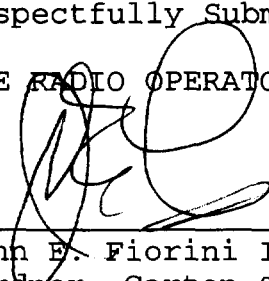
Finally, any authorization of terrestrial repeaters must include a prohibition on program origination, as the Commission's proposed rules provide.^{5/} Origination would convert SDARS into a terrestrial service, and would require a complete reevaluation of

^{2/} *Id.* at Paragraph 142
^{4/} *Id.*, Appendix C.
^{5/} *Id.*

the Commission's findings concerning the likely impact of SDARS
on local radio.

Respectfully Submitted,

THE RADIO OPERATORS CAUCUS



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June 27, 1997

CERTIFICATE OF SERVICE

I, Elizabeth A. Fertig, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 27th day of June, 1997, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing "Reply Comments of the Radio Operators Caucus" to the following:

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